

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARISA RIEUE,

Plaintiff,

-v-

NEW YORK STATE HIGHER EDUCATION  
SERVICE CORP., *et al.*,

Defendants.

SDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED

#  
FILED 8/15/08

No. 08 Civ. 6478 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

*Pro se* plaintiff Marisa Rieue submitted an application for a temporary restraining order and a proposed order to show cause as to why a preliminary injunction should not issue against defendants. While unsigned, the proposed order to show cause and the supporting papers were docketed by order of the court at Document No. 16. Specifically, plaintiff sought to temporarily restrain and to preliminarily enjoin defendants from executing an Administrative Wage Garnishment Determination Order that was issued against plaintiff on July 8, 2008. (*See* Pl.'s Proposed Order to Show Cause at 2.)

At a conference convened on August 14, 2008, Defendant New York State Higher Education Service Corporation represented that they would not garnish Plaintiff's wages during the pendency of the litigation. Accordingly, Plaintiff's application is hereby DENIED as MOOT. It is FURTHER ORDERED that:

Defendants' time in which to answer or otherwise respond to the Complaint is extended to October 1, 2008. Should defendants seek to file a motion in lieu of an answer, defendants must first file pre-motion letters of no more than three pages, setting forth a description of the contemplated

motion and briefly summarizing the bases and authority in support thereof. Plaintiff is ordered to respond to such letters within three business days, by letter of no more than three pages.

Counsel for the New York State Higher Education Service Corporation shall inquire into the legal effect of and obligations imposed by the application for rehearing that was sent to Plaintiff, and to report on the status of this inquiry by letter to the Court, copied to all parties, no later than August 29, 2008.

Plaintiff shall provide a copy of the proposed Order to Show Cause, in addition to a copy of the affidavit of service with regard to HEMAR and Law Loans, to counsel for Sallie Mae.

SO ORDERED.

Dated: New York, New York  
August 14, 2008



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE